IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22316 of 2004

Between:

Y. Reddaiah, S/o. Venkata Subbaiah, Ex-driver,
E.NO. 411917, R/o. 11-70, Chennur Village & Post,
Kadapa District.

..... PETITIONER

AND

1 A.P. State Road Transport Corporation, Rep. by its Managing Director, Musheerabad, Hyderabad-20.
2 The Divisional Manager, A.P.S.R.T.C., Kadapa Region, Kadapa.
3 The Depot Manager, A.P.S.R.T.C., Kadapa Region, Kadapa.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to call for the records from the 3rd respondent and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the order passed by the 3rd respondent in proceedings No. 01/2(6)/2003-CDP, dated 22-5-2003, deleting the name from the Approved List/Select List of Drivers as illegal, unjust, contrary to law, in violation of principles of natural justice, amounts to unfair labour practice, arbitrary, without jurisdiction and violative of Articles 14, 16 and 21 of the Constitution of India, and grant all consequential benefits.

Counsel for the Petitioner: MR.A.K.JAYAPRAKASH RAO

Counsel for the Respondent Nos.1 to3: MR.P.VINAYAKA SWAMY (SC FOR APSRTC)

The Court at the admission stage made the following Order:

THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.22316 OF 2004

ORDER:

The Writ Petition is filed seeking a Writ of Mandamus declaring the action of the third respondent in issuing the impugned proceedings dated 22.05.2003, deleting the name of the petitioner from the select/approved list of drivers as illegal, arbitrary and violation of principles of natural justice.

The grievance of the petitioner is that the third respondent by impugned proceedings dated 22.05.2003 deleted his name from the select/approved list of drivers for causing an accident while driving the bus on 12.03.2003. Challenging the same, the present writ petition has been filed.

Learned counsel appearing for the petitioner submitted that the name of the petitioner was deleted from the select/approved list without conducting any enquiry and therefore, the respondents had violated the principles of natural justice and sought for setting aside the impugned proceedings.

On the other hand, the learned counsel appearing on behalf of the respondents, Sri Vinayaka Swamy, submitted that as the petitioner caused a fatal accident resulting in death, the third respondent issued show cause notice dated 17.04.2003, for which, the petitioner submitted his explanation and as the explanation was found unsatisfactory, the name of the petitioner was deleted from the approved/select list as per the Rules and the same does not require any enquiry and therefore, he prays to dismiss the writ petition.

The petitioner was charged for the offence punishable under Section 304-A I.P.C. and thereafter, he was acquitted. A show cause notice dated 17.04.2003 was issued by the third respondent to the petitioner for causing a fatal accident.

The petitioner submitted his explanation. Since the third respondent was not satisfied with the explanation offered by the petitioner, the name of the petitioner was deleted from the select/approved list. Admittedly, no enquiry was conducted before passing the final orders. No doubt, the petitioner has been working as a casual driver, but he was duly selected and therefore, deletion of his name without conducting any enquiry amounts to violation of principles of natural justice. The respondent-Corporation ought to have followed the principles of natural justice before deleting the name of the petitioner by duly conducting enquiry and after giving reasonable opportunity to him to adduce evidence especially in view of the fact that he was acquitted in the criminal case. Hence, the impugned proceedings suffers from serious legal infirmities so as to call for interference of this Court and is liable to be set aside.

The writ petition is allowed setting aside the impugned proceedings dated 22.05.2003. However, this order does not preclude the respondent-Corporation to take any disciplinary action in accordance with law. No costs.

03.12.2004

usd

To

1 The Managing Director, A.P. State Road Transport

Corporation, Musheerabad, Hyderabad-20.
2 The Divisional Manager, A.P.S.R.T.C., Kadapa Region, Kadapa.
3 The Depot Manager, A.P.S.R.T.C., Kadapa Depot, Kadapa.

4 2CD copies.